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Before the
Federal Communications Commission
 Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

In the Matter of)

WILLIAM BRUCE WACHTER)
 Asbury, Missouri)

RM- _____

For an Amendment to the Table)
 of FM Allotments to Upgrade)
 Station KWXD from Class A to)
 Class C3 Operation on Channel)
 278 at Asbury, Missouri)

TO: Chief, Allocations Branch

PETITION FOR RULEMAKING

Pursuant to Sections 1.401 and 1.420(g) of the Commission's Rules and Regulations, 47 C.F.R. §§1.401 and 1.420(g), William Bruce Wachter ("Wachter"), by his attorney, hereby respectfully requests the Chief, Allocations Branch, to initiate a notice of proposed rulemaking, looking towards the amendment of the Table of FM Allotments, 47 C.F.R. §73.202, to substitute Channel 278C3 for Channel 278A at Asbury, Missouri, and to modify the construction permit for FM Broadcast Station KWXD, Asbury, Missouri, to specify operation as a Class C3 facility. In support thereof, it is alleged:

1. William Bruce Wachter holds a construction permit, File No. BPH-910410MG, authorizing the construction and operation of a Class A FM broadcast station, KWXD, on Channel 278A at Asbury,

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Missouri. Asbury is a small community, situated in a rural area, and the permittee has determined that it would serve the public interest to operate with as much power and height as possible so as to provide proper service in times of public emergency, giving school closing notices during the winter season, and providing entertainment and information to as wide a geographic area as possible. The permittee has, therefore, commissioned the engineering firm of E. Harold Munn, Jr. & Associates to make a study to determine whether Station KWXD can be upgraded to a higher class of channel.

2. Attached hereto and marked Exhibit A is an engineering report, prepared by Virgil M. Royer of the Munn firm. As the report makes clear, Station KWXD can be upgraded from a Class A facility to a Class C3 facility in full compliance with all of the Commission's Rules, and without changing the station's existing assignment on Channel 278.

3. Section 1.420(g)(3) of the Commission's Rules provides that the Commission may modify the license or permit of an FM station to another class of channel as a part of a rulemaking proceeding, provided that the modification of license or permit would occur on a mutually exclusive higher class, adjacent or co-channel. That is exactly the case here. The modification of the KWXD construction permit will occur on the station's current channel assignment and that channel assignment would not, therefore, be available to third parties to establish a new station.

4. Therefore, the proposed allocation not only complies with all of the Commission's allocations rules but, additionally, it also complies with the rule which allows the construction permit to be modified as a part of a rulemaking proceeding. Wachter respectfully requests that such a rulemaking proceeding be initiated and that in the course of that proceeding Wachter's construction permit be modified to specify Class C3 operation instead of Class A operation.

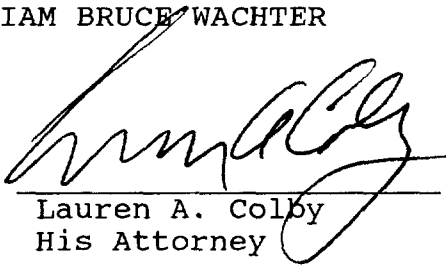
Respectfully submitted,

February 19, 1993

WILLIAM BRUCE WACHTER

Law Office of
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Frederick, MD 21705-0113

By:



Lauren A. Colby
His Attorney

EXHIBIT A

ENGINEERING REPORT

PETITION FOR RULEMAKING

By KWXD(FM)

Upgrade to Class C3

Asbury, Missouri

February, 1993

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E. HAROLD MUNN, JR. & ASSOCIATES, INC.

Broadcast Engineering Consultants

Coldwater, MI 49036

CERTIFICATION OF CONSULTANT

The firm of E. Harold Munn, Jr. & Associates, Inc., Broadcast Engineering Consultants, with offices at 100 Airport Drive, Coldwater, Michigan, has been retained for the purpose of preparing the technical data submitted in this report.

The data utilized in this report was taken from the FCC Secondary Database and data on file. While this information is believed accurate, errors or omissions in the database and file data are possible. This firm may not be held liable for damages as a result of those data errors or omissions.

The report has been prepared by or under the direction of the undersigned, whose qualifications are a matter of record before the Federal Communications Commission.

I declare under penalty of perjury that the contents of this report are true and accurate to the best of my knowledge and belief.

E. Harold Munn, Jr. & Associates, Inc.

February 11, 1993

by Virgil M. Royer
Virgil M. Royer, Project Engineer
Wayne S. Reese, President

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E. HAROLD MUNN, JR. & ASSOCIATES, INC.
Broadcast Engineering Consultants
Coldwater, MI 49036

ENGINEERING STATEMENT

In Support of a Petition To Amend §73.202(b)

The firm of E. Harold Munn, Jr. & Associates, Inc., was retained to prepare this Engineering Statement in support of a petition to amend 47 C.F.R. Section 73.202(b), the FM Table of Allotments, for Asbury, Missouri.

It is proposed to amend the Table to substitute Channel 278C3 for Channel 278A at Asbury, Missouri and modify the construction permit of KWXD, BPH-910410MG to specify the upgraded channel. A specified reference point is required for the channel to meet the spacings of §73.207.

Data contained in this report is responsive to the requirements of the Rules, as amended.

Figure 1 is a pertinent portion of the computer study which demonstrates that, at the reference point listed, and for the class of station proposed, all the required separations are met for the allotment of Channel 278C3 at Asbury, Missouri. The spacing to the authorized transmitter site of KTFX, Channel 277C, Tulsa, Oklahoma, is 175.96 km. This spacing "rounds" to the required 176 km of §73.207(b)(1)TABLE A.

The reference point considered for the study is NL 37°23'44"; WL 94°40'42". This reference point is a point proximate to the city from which the 3.16 mV/m (70 dBu) contour of the proposed facility would encompass the entire community.

This location is the site which KWXD has applied for, in a modification of permit application now pending before the Commission. Thus, this site is proven to be available for use by the applicant.

It is requested that 47 C.F.R. §73.202(b) be amended as follows:

<u>CITY, STATE</u>	<u>PRESENT</u>	<u>PROPOSED</u>
Asbury, MO	278A	278C3

No change is required to any other allotment, and it is believed that this petition will not impact any request for rule-making now pending before the Commission.

FIGURE 1

E. HAROLD MUNN JR & ASSOCIATES
P.O. BOX 220 COLDWATER MI 49036-0220

KWXD, Asbury, Missouri
Facility Upgrade to Class C3

REFERENCE		CLASS C3	DISPLAY DATES
37 23 44 N			DATA 01-04-93
94 40 42 W		Current rules spacings	SEARCH 02-11-93
----- CHANNEL 278 ~103.5 MHz -----			

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)

KWXD.C	278A	Asbury	MO	138.5	23.05	141.5	-118.45 *
CP CN	37 14 24	94 30 22	6.000 kW	100M	14.3	87.9	
	William Bruce Wachter				BPH910410MG		
KTFX	277C	Tulsa	OK	209.8	175.96	175.5	0.46 <
LI CN	36 01 10	95 39 24	100.000 kW	390M	109.4	109.1	
	Central Broadcasting Co., Inc				BLH810730AI		
KIRK	279C	Lebanon	MO	74.6	176.87	175.5	1.37 <
LI CN	37 49 10	92 44 51	100.000 kW	300M	109.9	109.1	
	Ozark Broadcasting, Inc.				BLH881115KC		
KOMB	280A	Fort Scott	KS	356.6	45.80	41.5	4.30
LI CN	37 48 27	94 42 33	2.000 kW	122M	28.5	25.8	
	Fort Scott Broadcasting Compa				BLH910415KB		
KPRS	277C	Kansas City	MO	4.8	180.48	175.5	4.98
LI CN	39 00 57	94 30 24	100.000 kW	303M	112.2	109.1	
	KPRS Broadcasting Corporation				BLH870522KA		
KZPD.C	281A	Ash Grove	MO	100.3	89.34	41.5	47.84
CP CN	37 15 05	93 41 12	3.000 kW	59M	55.5	25.8	
	Ashgrove, Inc.				BPH880201MQ		
